

United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHODS FOR TREATMENT OF INFLAMMATORY DISEASES

The specification of which

- a. ☒ is attached hereto
b. ☐ was filed on _____ as application serial no. _____ and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
09/570,120	May 12, 2000	Pending
09/360,095	July 23, 1999	Pending

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith: I appoint the following:

Charles Berman, Reg. 29,249
 Louis J. Bovasso, Reg. 24,075
 Marc E. Brown, Reg. 28,590
 Christopher Darrow, Reg. 30,166
 Michael B. Farber, Reg. 32,612
 Scott R. Hansen, Reg. 38,486
 Michael D. Harris, Reg. 26,690
 Douglas N. Larson, Reg. 29,401
 Spyros J. Lazaris, Reg. 45,981
 Sung Oh, Reg. P45,583
 David J. Oldenkamp, Reg. 29,421
 William Poms, Reg. 18,782
 Alan C. Rose, Reg. 17,047
 Charles Rosenberg, Reg. 31,464

Guy P. Smith, Reg. 20,142
 Ronald S. Tamura, Reg. 43,179
 Gregory B. Wood, Reg. 28,133
 Daniel Chapik, Reg. 43,424
 Harold-D. Jastram, Reg. 19,777
 Alan D. Kamrath, Reg. 28,227
 Chad Klingbeil, Reg. 33,002
 Craig J. Lervick, Reg. 35,244
 Cyrus Morton, Reg. 44,954
 Bruce Canter, Reg. 34,792
 Louis C. Cullman, Reg. 39,645
 Monique Heyninck, Reg. P44,763
 James W. Inskeep, Reg. 33,910

Kurt A. MacLean, Reg. 31,118
 Ben H. Bedi, Reg. 39,904
 Everitt George Beers, Reg. 40,508
 Michael K. Bosworth, Reg. 28,186
 Justin F. Boyce, Reg. 40,920
 Chris W. Chou, Reg. 41,672
 Anthony B. Diepenbrock III, Reg. 39,960
 Robert O. Guillot, Reg. 28,852
 Claude A.S. Hamrick, Reg. 22,586
 Esther La, Reg. 43,734
 Leah Sherry, Reg. 43,918
 Marc Bobys, Reg. 45,267

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Oppenheimer Wolff & Donnelly LLP to the contrary.

Please direct all correspondence in this case to Oppenheimer Wolff & Donnelly LLP at the address indicated below:

OPPENHEIMER WOLFF & DONNELLY LLP
 2029 CENTURY PARK EAST
 38TH FLOOR
 LOS ANGELES, CA 90067-3024

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Farber	First Given Name Elliott	Second Given Name
0	Residence & Citizenship	City North Mankato	State or Foreign Country Minnesota	Country of Citizenship USA
1	Post Office Address	Post Office Address 1720 Orchid Drive North	City North Mankato	State & Zip Code/Country Minnesota 56003
Signature of Inventor 201: <i>Elliott Farber</i>			Date: <i>Jan. 9, 2001</i>	

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re US Provisional Application of:

Elliott FARBER

Application No. 09/758,696

Group Art Unit: 1617

Filing Date: January 11, 2002

Examiner: S. SHARAREH

Title: METHODS FOR TREATMENT OF
INFLAMMATORY DISEASES

REVOCATION OF ORIGINAL POWER OF ATTORNEY, AND
GRANT OF NEW POWER OF ATTORNEY AND CHANGE
OF CORRESPONDENCE ADDRESS BY ASSIGNEE
AND CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Commissioner for Patents
BOX: Revocation of Power of Attorney
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §§1.36, 3.71 and 3.73(b), Assignee, New Health Sciences, Inc., hereby revoke all previous powers of attorney or authorizations of agent/attorney given in the above-identified application; and hereby grant and submit a power of attorney and change the correspondence address for the above-identified application to:

Celine Jimenez Crowson, Registration No. 40,357 and the registered practitioners of Hogan & Hartson LLP, included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

Customer Number: 24633

Please direct all inquiries to:

Celine Jimenez Crowson
Hogan & Hartson LLP
Columbia Square
555 Thirteenth Street, NW
Washington, D.C. 20004
Telephone: (202) 637-5703
Facsimile: (202) 637-5910
E-mail: cjcrowson@hhlaw.com

CERTIFICATE UNDER 37 CFR 3.73(b)

Alwyn Company, Inc., a Minnesota corporation, certifies that it is:

1. ☒ The assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest in the patent application identified above by virtue of:

An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011799 Frame 0501 or for which a copy thereof is attached.

FROM	TO	REEL/FRAME NO.
Elliott FARBER	Alwyn Company, Inc.	011799/0501

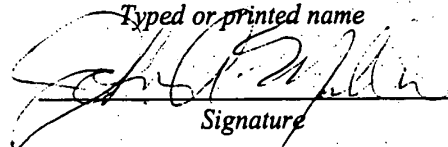
☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to sign this certificate on behalf of the Assignee.

October 9, 2002
Date

John A. Miller

Typed or printed name


Signature

President

Title